

# **Exhibit 28**

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1 UNITED STATES DISTRICT COURT  
1 SOUTHERN DISTRICT OF NEW YORK

2 -----X

3 UNITED STATES OF AMERICA,

4 v.

05 CR 518 (SAS)

5 FREDERIC BOURKE, JR.,

6 Defendant.

7 -----X

8 New York, N.Y.

8 June 4, 2009

9 10:25 a.m.

10 Before:

11 HON. SHIRA A. SCHEINDLIN,

12 District Judge

13  
14 APPEARANCES

15 LEV L. DASSIN

15 Acting United States Attorney for the  
16 Southern District of New York

16 HARRY A. CHERNOFF

17 ROBERTSON PARK

17 IRIS LAN

18 Assistant United States Attorneys

18  
19 HADDON FOREMAN

19 Attorneys for Defendant

20 HAROLD A. HADDON

20 SASKIA A. JORDAN

21 -and-

21 JONES DAY

22 BY: JOHN CLINE

22  
23 Also present:

24 Thomas Rosato, Special Agent Stephanie Howard, Paralegal

24 Robert Arnay, Paralegal Casey Maxwell, Paralegal

25 Oneika Duncan, Paralegal Ann Lundberg, Paralegal

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964FBOU2

Farrell - direct

- 1 Q. Or American terms, whatever?  
2 A. I think I was making about 30 grand.  
3 Q. Were you doing anything else for work around that time?  
4 A. I started -- towards the end of that, I began moonlighting.  
5 I was working for a friend of mine, translating for his  
6 company.  
7 Q. Who was that?  
8 A. A friend of mine whose name was Dan Meade.  
9 Q. And what kind of company did he have?  
10 A. He was the head of a security company in St. Petersburg.  
11 Q. What kind of security did his company provide?  
12 A. Personal security. Bodyguards.  
13 Q. What kind of clientele did he provide personal security to?  
14 A. I suppose various. I didn't know much of his clientele.  
15 Q. What nationality is Dan Meade?  
16 A. He's an American.  
17 Q. And you said you were providing translation services?  
18 A. Well, I was. He asked me to help him on one, with one  
19 client, like a one-off job he needed a translator for his  
20 bodyguard who didn't speak English.  
21 Q. Who was that client?  
22 A. Viktor Kozeny.  
23 Q. Before we talk further about Mr. Kozeny, let me just ask  
24 you a little bit about Russia at this time period. What was  
25 going on in Russia at the time you moved there and were working

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8 New York, N.Y.

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9 9:12 a.m.

10 Before:

11 HON. SHIRA A. SCHEINDLIN,

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Farrell - direct

1 Q. What happened in London when you and Viktor Kozeny reached  
2 there? First of all, do you remember the time period we're  
3 talking about?

4 A. This was, it was Thanksgiving time period.

5 Q. Thanksgiving 1997?

6 A. Yes. It was late November, 1997.

7 Q. Okay. And so what did you and Mr. Kozeny do in London on  
8 this trip?

9 A. Well, we were told there was a certain day or evening where  
10 there was supposed to be a phone call and that phone call would  
11 be from someone and it tells us where to go to meet with Ilham,  
12 so we waited around the phone for that for like half a day.  
13 Phone call never came, and I forget if we talked to Barat  
14 after -- I guess we talked to Barat, and they said it's not  
15 going to happen, unfortunately, it wasn't going to work out.  
16 So the whole idea of meeting Ilham fell through.

17 After that, we just hung out in London. He bought  
18 some things.

19 Q. Did you have a sense of Kozeny's financial picture at that  
20 point in time?

21 A. Well, yeah. He had a private jet. He had houses all over  
22 the world. He was --

23 Q. Had he just closed some deal that he was happy about? Do  
24 you remember that?

25 A. Yeah, it coincided. He had a -- while in Russia, he told

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Farrell - direct

1 me that he had been a part of a really large oil deal with one  
2 of the oil companies in Russia, in the mid-'90s, and it just  
3 happened to be at the exact same time we were in London that  
4 British Petroleum was buying part of that company, that Russian  
5 company, and he was directly making a huge amount of money, at  
6 the exact same time we were in London.

7 Q. You said he was shopping. What kind of things was he  
8 buying in London?

9 A. We went to this real hifalutin' jewelry store. He had a  
10 Christmas party that was coming up, and he wanted to buy gifts  
11 for the guests and ornaments and things, so he went there and  
12 bought a bunch of stuff. Also went to this place called the --  
13 some kind of silver vault there, where you can buy silver  
14 pieces, really nice things for a real lot of money and he  
15 bought some stuff here.

16 Q. Do you recall the name of this jewelry store he went to in  
17 London?

18 A. It's called Asprey's.

19 Q. Asprey's?

20 A. Mm-hmm.

21 Q. You said he was buying gifts, I guess party gifts for his  
22 Aspen party?

23 A. Correct.

24 Q. What did he tell you about the Aspen party?

25 A. He said he was going to have this big Christmas party or

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Farrell - direct

1 new year's party, I forget, I think it was Christmas and he  
2 said he was going to have somebody like Elton John or Natalie  
3 Cole perform there, and it was this crazy big party.  
4 Q. By the way, did you get to go to the party?  
5 A. No, I did not.  
6 Q. Where were you for Christmas that year?  
7 A. Sergei and myself had to stay back and guard the vouchers.  
8 Q. So after this trip you went back to Azerbaijan?  
9 A. Yes.  
10 Q. You explained earlier that initially there was an agreement  
11 between Nuriyev and Kozeny that a million vouchers would be  
12 enough to buy SOCAR at auction?  
13 A. That's correct.  
14 Q. Did that requirement ever change?  
15 A. Yes, it changed not too long after this trip.  
16 Q. What happened?  
17 A. Barat Nuriyev called me into his office in December, second  
18 week in December, I think, early December, and he had something  
19 to talk about. I went by. He called me often down to his  
20 office. When I got in there he said, "Tom, listen, we now, the  
21 president has now said that the requirement is no longer  
22 1 million vouchers, but actually instead it's going to be  
23 2 million vouchers that Viktor is going to have to purchase to  
24 go to auction with." And which was a real shock. Barat  
25 actually said it in a kind of a heavy voice. He seemed almost

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Farrell - direct

1 Chopin or I need him to get in touch with Chopin, so he could  
2 get a company, sort of like an off-shelf company, off-shore  
3 company, something like that, for the professor's son's  
4 university. Perhaps it was an American company.  
5 Q. What about the last thing? What did you write there?  
6 A. It says, "Get Ricky Bourke to get Barat's report." So  
7 probably in reference to what I had written before, that there  
8 was a report and I think this is talking about a medical report  
9 that was in New York. Just reminding myself to ask Ricky to  
10 get that report for Barat.

11 MR. CHERNOFF: Mr. Arnay, if you could go to July 8.

12 Q. Tell us what you wrote, the first asterisk?

13 A. It says, "All details of Rza Nuriyev to Peak House ASAP."  
14 Rza Nuriyev is the professor Barat Nuriyev's son who is trying  
15 to get into university. Peak House was a house in Aspen where  
16 Viktor, the house Viktor owned in Aspen. That's my  
17 understanding of looking at this right here is all these things  
18 I'm trying to put together; the medical report or different  
19 passport cover pages, what have you, send it in to Peak House  
20 and someone there for Viktor is going to send them on to Aaron  
21 Fleck or Ricky Bourke to help him get into university.

22 MR. CHERNOFF: Okay, starting July 27, please.

23 Q. What's that first entry after the check?

24 A. "Fax invites for Nuriyevs to me for the Swiss visas to be  
25 done in Moscow."

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